



Washington, D.C. 20505

31 March 1987

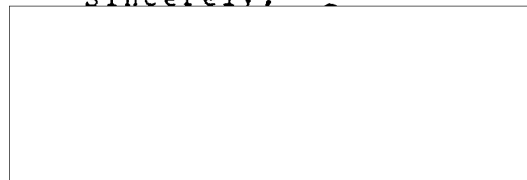
OCA 87-1227

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, DC 20503

Dear Mr. Frey:

Enclosed is a letter to Representative Louis Stokes, Chairman of the House Permanent Select Committee on Intelligence, responding to his request for the views of the Central Intelligence Agency on H.R. 1585 and H.R. 1586, bills which would require the President and the Secretary of Defense to make unclassified disclosures of sums requested and allocated to "black programs." Your advice is requested as to whether there is any objection to the submission of this letter from the standpoint of the President's program.

Sincerely,



Deputy Director for Legislation
Office of Congressional Affairs

Enclosure
as stated

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Page Denied

OCA 87-1227

Ltr., [] to Frey, OMB

OCA/LEG/[] (31 Mar 87)

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100TH CONGRESS
1ST SESSION

H. R. 1585

To amend title 31, United States Code, to improve congressional oversight of programs in the President's budget treated in a manner designed to conceal the existence or scope of the program (commonly referred to as "black programs").

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1987

Mrs. BOXER (for herself, Mr. MILLER of California, Mr. WILLIAMS, Mr. SIKORSKI, Mr. LOWRY of Washington, Mr. FRANK, and Mr. GUARINI) introduced the following bill; which was referred to the Committee on Government Operations.

A BILL

To amend title 31, United States Code, to improve congressional oversight of programs in the President's budget treated in a manner designed to conceal the existence or scope of the program (commonly referred to as "black programs").

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Hidden Budget Account-

5 ability Act".

1 SEC. 2. BUDGET SUNSHINE.

2 (a) PRESENTATION OF AGENCY AND FUNCTION
3 TOTALS FOR HIDDEN PROGRAMS.—Section 1105 of title
4 31, United States Code, is amended by adding at the end the
5 following new subsection:

6 “(g) The President shall submit with materials related
7 to each budget transmitted under subsection (a) for a fiscal
8 year, as part of the nonclassified presentation of budget mate-
9 rials, a presentation of the estimated budget outlays and the
10 requested budget authority in the budget for programs that
11 are included in that budget in a manner designed to conceal
12 their existence or scope. Such estimated budget outlays and
13 requested budget authority shall be shown by agency and by
14 function.”.

15 (b) FIVE-YEAR REFERENCE AMOUNTS.—The first
16 budget submitted under section 1105 of title 31, United
17 States Code, after the date of the enactment of this Act shall
18 set forth, as part of the nonclassified presentation of the
19 budget—

20 (1) a presentation of estimated budget outlays and
21 requested budget authority for each of the five previous
22 fiscal years for programs included in the budget for
23 each of those years in a manner designed to conceal
24 their existence or scope, presented by agency and by
25 function; and

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- 1 (2) the actual amounts appropriated by agency
- 2 and function for such programs for each of such years.

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100TH CONGRESS
1ST SESSION

H. R. 1586

To improve congressional oversight of defense programs treated in a manner designed to conceal the existence or scope of the program (commonly referred to as "black programs").

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1987

Mrs. BOXER (for herself, Mr. MILLER of California, Mr. WILLIAMS, Mr. SIKORSKI, Mr. LOWRY of Washington, and Mr. FRANK) introduced the following bill; which was referred jointly to the Committees on Armed Services and Government Operations

A BILL

To improve congressional oversight of defense programs treated in a manner designed to conceal the existence or scope of the program (commonly referred to as "black programs").

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Defense Black Budget
5 Oversight Act".

6 SEC. 2. BUDGET SUNSHINE.

7 (a) DISCLOSURE OF TOTAL AMOUNT FOR BLACK DOD
8 PROGRAMS.—The Secretary of Defense shall set forth in the



1 defense budget for any fiscal year, as part of the nonclassified
2 presentation of the budget, the total amount requested by the
3 Department in that budget for programs of the Department
4 of Defense that are included in that budget in a manner de-
5 signed to conceal their existence or scope.

6 (b) FIVE-YEAR REFERENCE AMOUNTS.—The first de-
7 fense budget submitted after the date of the enactment of this
8 Act shall set forth, as part of the nonclassified presentation of
9 the budget—

10 (1) the total amount requested by the Department
11 in the defense budget for each of the five previous
12 fiscal years for programs of the Department of Defense
13 included in that budget in a manner designed to con-
14 ceal their existence or scope; and

15 (2) the total amount appropriated for each such
16 year for such programs.

17 SEC. 3. NOTIFICATION AND JUSTIFICATION FOR DEFENSE
18 SPECIAL ACCESS PROGRAMS.

19 (a) NOTIFICATION AND JUSTIFICATION.—(1) A pro-
20 gram of the Department of Defense may not be included in
21 the defense budget for any fiscal year in a way that conceals
22 the existence or scope of the program (including the amount
23 requested for the program) unless the Secretary of Defense,
24 not less than 60 days before the program is first included in
25 the President's budget for a fiscal year, provides in writing to

1 the chairmen and ranking minority members of the defense
2 committees—

3 (A) notice of the program; and

4 (B) justification for concealing in the budget the
5 existence or scope of the program.

6 (2) A notice and justification under paragraph (1) shall
7 include an identification of existing programs or technol-
8 ogies—

9 (A) that are not treated so as to conceal their ex-
10 istence or scope; and

11 (B) that are similar to the technology, or that
12 have a mission similar to the mission, of the program
13 that is the subject of the notice.

14 (b) ACCESS BY OTHER MEMBERS.—Any member of a
15 defense committee, upon submitting a request in writing to
16 the chairman of that committee, shall be permitted to read
17 any notice and justification received by the chairman of that
18 committee under subsection (a).

19 (c) RESPONSES.—(1) If the Secretary receives a timely
20 response from a member of a defense committee with respect
21 to a notice and justification provided under subsection (a), the
22 Secretary shall respond in writing to any question or concern
23 raised in such response not later than 30 days after the re-
24 ceipt of such response.

1 (2) For purposes of paragraph (1), the term "timely re-
2 sponse" means a written communication that—

3 (A) pertains to a program described in a notice
4 and justification received under subsection (a); and

5 (B) is received by the Secretary of Defense not
6 less than 30 days after the date on which the notice
7 and justification to which the communication pertains
8 was received under subsection (a).

9 SEC. 4. REPORTS ON CRITERIA FOR SPECIAL ACCESS DESIG-
10 NATION.

11 (a) INITIAL REPORT.—(1) The Secretary of Defense
12 shall submit to Congress a report on the criteria used for
13 designating a program of the Department of Defense—

14 (A) as a special access program or comparten-
15 talized program; or

16 (B) in any other manner that results in the pro-
17 gram being included in subsequent defense budgets in a
18 way that conceals the existence or scope of the
19 program.

20 (2) The report under paragraph (1) shall be submitted
21 not later than 60-days after the date of the enactment of this
22 Act.

23 (b) REPORTS ON MODIFICATIONS.—If a change is
24 made in the criteria for making designations referred to in
25 subsection (a), the Secretary shall submit to Congress a

1 report describing the changes. Any such report shall be sub-
2 mitted not later than 30 days before the date on which such
3 changes take effect.

4 SEC. 5. DEFINITIONS.

5 For purposes of this Act:

6 (1) The term "defense committees" means—

7 (A) the Committees on Armed Services of
8 the Senate and House of Representatives; and

9 (B) the Defense Subcommittees of the Com-
10 mittees on Appropriations of the Senate and
11 House of Representatives.

12 (2) The term "program of the Department of
13 Defense" does not include—

14 (A) a program of an agency or other entity
15 of the United States outside the Department of
16 Defense which receives funds through amounts
17 appropriated to the Department of Defense;

18 (B) a program of an agency or other entity of
19 the Department of Defense which is funded
20 through the national foreign intelligence program
21 or which is considered to be an intelligence-
22 related activity; or

23 (C) a special operations activity.

24 (3) The term "defense budget" means the budget
25 of the Department of Defense included in the Presi-

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- 1 dent's budget submitted to Congress for any fiscal year
- 2 under section 1105 of title 31, United States Code.

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TO : D/OCA		CONTROL # OCA 87-1227	DATE OF REQUEST 1 April 1987
FROM : 			SUSPENSE DATE
SUBJECT : DoD Black Programs Bills			
<p>NOTES</p> <p>Attached is our views letter to Stokes on the two DoD black programs bills introduced by Rep. Boxer. I believe Marty Faga suggested such a letter to you recently. This is F.Y.I. only. Do <u>not</u> sign letter to Stokes now. OMB must clear it first.</p> <p style="text-align: right;"><i>do me</i></p> <p style="text-align: center;"><i>Looks fine 4/1/87</i></p> <div style="border: 1px solid black; width: 150px; height: 50px; margin-left: auto;"></div>			
COORDINATED WITH (list names as well as offices)			
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ACTION REQUIRED BY D/OCA			
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